



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
THOMAS K. McDONALD, ET AL.
Serial No. 10/671,379
Filed: September 25, 2003

For: QUICK-DONNING FULL FACE
OXYGEN MASK WITH INFLATABLE
HARNESS AND SOFT FOLDABLE
LENS

Examiner: Andrea M. Ragonese
Group Art Unit: 3743
Client ID/Matter No. BEAER 65632

TERMINAL DISCLAIMER TO OBTAIN DOUBLE PATENTING
REJECTION UNDER 37 C.F.R. § 1.321

Commissioner for Patents
Washington, D.C. 20231

Sir:

Petitioner, BE Intellectual Property, Inc., having a place of business at 1400 Corporate Center Way, Wellington, Florida 33414, and a wholly owned subsidiary of BE Aerospace Inc., a Delaware corporation, is the assignee and owner of 100 percent interest in the instant application, Serial No. 10/671,379, which is a continuation of Serial No. 10/214,033 filed August 7, 2002, now Patent No. 6,672,307, which is a continuation of Serial No. 09/560,011 filed April 27, 2000, now Patent No. 6,443,155, which is a continuation of Serial No. 09/362,264 filed July 28, 1999 now Patent No. 6,070,580, which is a continuation of Serial No. 08/820,079 filed March 19, 1997 now Patent No. 5,957,132, which was a divisional of Serial No. 08/316,422 filed September 30, 1994,

10/22/2004 NSUTENAI 00000089 10671379
01 FC:1014 110.00 00

now Patent No. 5,664,566, as recorded at reel 9306, frame 0073 in connection with Serial No. 08/820,079. The assignment document has been reviewed, and petitioner hereby certifies that, to the best of petitioner's knowledge and belief, title in the instant application, Serial No. 10/671,379, is in petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,672,307, issued January 6, 2004, which is also owned by petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

October 19, 2004

Date

James W. Paul, Reg. No. 29,967

68991.1

68991.1